

Copy in Opinion

April 25, 1956

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SEP 22 1998

CONCORD, N.H.

Mr. Ralph G. Carpenter, 2nd, Director
Fish and Game Department
Concord, New Hampshire

Re: Newington Hunting Ordinance

Dear Sir:

You have advised that the Town of Newington has voted to approve an ordinance purporting to prohibit hunting in the Town of Newington except with written permission of the property owner involved and seeks to impose a penalty of \$50. RSA 31:39 sets forth the authority of the town to make By-laws and to impose penalties

"not exceeding the \$10 for
each offense, . . ."

In any event the proposed \$50 penalty would be void and if otherwise valid the proposed hunting ordinance would be limited to a \$10 penalty for each offense.

However, the establishment of game refuges is regulated by RSA 212:11-20 and by RSA 212:19, 20, the governing of lands and waters under his control and for the protection and propagation of game and fur-bearing animals thereon is expressly delegated to the Director of Fish and Game.

RSA 572:15, 16, 17 and 18 sets forth the terms and conditions under which landowners may by posting of notices prevent hunting upon their cultivated land and defines the land which may be included in such definition.

Accordingly, you are advised that the Newington, New Hampshire vote is of no effect in the opinion of this office.

I point out, however, that this office has no authority to make any binding ruling relative to the validity of municipal ordinances and such interpretation to nullify such ordinance or By-law must come from duly established court.

The foregoing is for your guidance in the administration of your department only.

Very truly yours,

George F. Nelson
Assistant Attorney General

GFN:W

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